

BILL NO. S-76-06-04

SPECIAL ORDINANCE NO. S- 118-76

AN ORDINANCE approving contracts with Zollner Corporation and Commercial Warehouse and Cartage, Inc. for fire protection.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The contract, dated June 1, 1976, between the City of Fort Wayne, by and through its Mayor, the Board of Commissioners, and the Department of Public Safety, and Zollner Corporation for fire protection from the Fort Wayne Fire Department on specified grounds outside the city limits, described as follows, to-wit:

All buildings and improvements of Zollner, presently located or hereinafter located on an area which has a frontage of 602.4 feet more or less, along the east right-of-way line of Coliseum Boulevard South, a north boundary line of 1381 feet more or less, an east boundary line of 765.1 feet more or less, and a south boundary line of 1854 feet more or less.

The said buildings and improvements which are collectively referred to as "the premises" in the contract are reflected for tax purposes as \$581,490, as issued by the Treasurer of Allen County, Indiana.

SECTION 2. The cost to Zollner Corporation shall be the sum of \$6,415.00, which amount shall be deposited into Fund No. 110 "Fire Fighting Fund" pursuant to Indiana Burns Statutes Annotated Sec. 48-6176.

SECTION 3. Said contract is on file in the Office of the Board of Public Safety and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 4. The contract, dated June 1, 1976, between the City of Fort Wayne, by and through its Mayor, Board of Commissioners, and Department of Public Safety, and Commercial

APPROVED AS TO FORM  
AND LEGALITY,

  
CITY CLERK

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4 Warehouse and Cartage, Inc. for fire protection from the Fort  
5 Wayne Fire Department on specified grounds outside the city  
6 limits, described as follows, to-wit:

7 2425 American Way, Allen County, State of Indiana.

8 SECTION 5. The cost to Commercial Warehouse and  
9 Cartage, Inc. shall be the sum of \$2,030.44, which amount shall  
10 be deposited into Fund No. 110 "Fire Fighting Fund" pursuant  
11 to Indiana Burns Statutes Annotated Sec. 48-6176.

12 SECTION 6. Said contract is on file in the Office  
13 of the Board of Public Safety and is by reference incorporated  
14 herein, made a part hereof, and is hereby in all things ratified,  
15 confirmed and approved.

16 SECTION 7. This Ordinance shall be in full force  
17 and effect from and after its passage and approval by the Mayor.

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19 Councilman  
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Read the first time in full and on motion by J. Belmont, seconded by Jalawco, and duly adopted. read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 1976, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 6-8-76

Charles W. Westerterman  
CITY CLERK

Read the third time in full and on motion by Thurges, seconded by Hunter, and duly adopted, placed on its passage. Passed (LAST) by the following vote:

|             | AYES     | NAYS     | ABSTAINED | ABSENT   | TO-WIT |
|-------------|----------|----------|-----------|----------|--------|
| TOTAL VOTES | <u>7</u> | <u>0</u> |           | <u>2</u> |        |
| BURNS       | ✓        |          |           |          |        |
| HINGA       | ✓        |          |           |          |        |
| HUNTER      | ✓        |          |           |          |        |
| MOSES       | ✓        |          |           |          |        |
| NUCKOLS     | ✓        |          |           |          |        |
| SCHMIDT, D. | ✓        |          |           |          |        |
| SCHMIDT, V. |          |          |           | ✓        |        |
| STIER       | ✓        |          |           |          |        |
| TALARICO    |          |          |           | ✓        |        |

DATE: 6-22-76

Charles W. Westerterman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 8-118-76 on the 22nd day of June, 1976.

ATTEST: (SEAL)

Charles W. Westerterman  
CITY CLERK

James Stier  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1976, at the hour of 11:00 o'clock A.M. E.S.T.

Charles W. Westerterman  
CITY CLERK

Approved and signed by me this 23rd day of June, 1976, at the hour of 5:00 o'clock P.M. E.S.T.

Robert E. Armstrong

Bill No. S-76-06-04

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance  
approving contracts with Zollner Corporation and Commercial Warehouse  
and Cartage, Inc. for fire protection

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do PASS.

Vivian G. Schmidt - Chairman

William T. Hinga - Vice-Chairman

Winfield C. Moses, Jr.

John Nuckols

Samuel J. Talarico

William T. Hinga  
John Nuckols

6-22-76 CONCURRENTLY  
DATE 6-22-76 CHARLES W. WESTENMAN, CLERK

## FIRE PROTECTION CONTRACT

This contract is entered into in duplicate this 1st day of June, 1976 between the CITY OF FORT WAYNE, INDIANA, acting by and through its Mayor and Board of Commissioners, Department of Public Safety, ("CITY") and ZOLLNER CORPORATION, an Indiana corporation having its principal place of business in Adams Township, Allen County, Indiana ("ZOLLNER").

WHEREAS, ZOLLNER is the owner of certain improvements, upon real estate near but outside the corporate limits of the CITY, described as follows:

All buildings and improvements of ZOLLNER, presently located or hereinafter located on an area which has a frontage of 602.4 feet more or less, along the east right of way line of Coliseum Boulevard South, a north boundary line of 1381 feet more or less, an east boundary line of 765.1 feet more or less, and a south boundary line of 1854 feet more or less.

The said buildings and improvements which are collectively referred to as "the premises" hereafter in this contract are reflected for tax purposes as \$581,490, as issued by the Treasurer of Allen County, Indiana:

and, WHEREAS, ZOLLNER desires to be assured that fire protection by CITY is available at the premises above described:

NOW, THEREFORE, the parties agree as follows:

1. For one continuous calendar year from the date of this Agreement, upon the receipt by CITY'S Fire Department of a notification or signal that there is a fire on the premises above described, CITY shall cause the proper fire fighting station or stations to send such fire fighting equipment, materials, and personnel to the premises as it reasonably send to other similar locations within the corporate limits of CITY.

2. For fire fighting services provided for herein, ZOLLNER shall pay to the CITY the sum of One and One Thousand Thirty-Two Dollars (\$1,032) per One Hundred Dollars (\$100.00) of assessed valuation for tax purposes on the improvements hereinafter identified

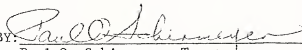
as the premises. The improvements hereinabove identified have an assessed valuation as indicated of \$581,490. The sum owing under this contract is therefore \$6,415.00. Said sum shall be payable as follows:

1. \$3,207.50 shall be payable upon execution of this contract.
2. The balance due shall be \$3,207.50 payable on or before November 1, 1976.

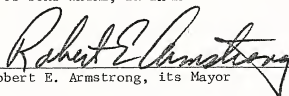
3. CITY shall cause its Fire Department personnel and Fire Prevention Bureau personnel to inspect ZOLLNER'S building, equipment, and facilities periodically, at mutually convenient times, to familiarize such personnel with said buildings, equipment, and facilities and ZOLLNER'S operations on the premises, so as to (1) determine the types of fire which may reasonably be anticipated on the premises; (2) be able to render service commensurate with existing service conditions; (3) so as to make recommendations relative to fire prevention.

4. Notwithstanding the foregoing provisions, this contract shall not become effective until it shall have been signed by the Mayor and the members of the Board of Commissioners, Department of Public Safety of CITY.

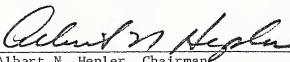
## ZOLLNER CORPORATION

BY:   
 Paul O. Schirmeyer, Treasurer

## CITY OF FORT WAYNE, INDIANA

BY:   
 Robert E. Armstrong, its Mayor

BOARD OF COMMISSIONERS,  
DEPARTMENT OF PUBLIC SAFETY

BY:   
 Albert N. Hepler, Chairman

BY:   
 William L. Kerr, Member

By:   
 Solon Jennings, Member

I hereby certify that the foregoing contract was ratified and  
 approved by the Common Council of the City of Fort Wayne, Indiana,  
 on \_\_\_\_\_ 1976.

\_\_\_\_\_  
 Charles W. Westerman, Clerk

# FIRE PROTECTION CONTRACT

This contract is entered into in duplicate this 1st day of June, 1976 between the City of Fort Wayne, Indiana, acting by and through its Mayor and Board of Commissioners, Department of Public Safety, ("CITY"), and Commercial Warehouse and Cartage, Inc. ("Commercial Warehouse").

WHEREAS, Commercial Warehouse is the lessee of certain improvements upon real estate near but outside the corporate limits of the CITY, described as follows:

2425 American Way, Allen County, Indiana

and, WHEREAS, Commercial Warehouse desires to be assured that fire protection by CITY is available at its premises,

NOW, THEREFORE, in consideration of the premises and the agreements of the parties, it is agreed as follows:

1. Upon the receipt by CITY'S Fire Department of a notification or signal that there is a fire on said premises of Commercial Warehouse, CITY shall cause the proper firefighting station or stations to send such firefighting equipment, materials, and personnel to Commercial Warehouse premises as it reasonably send to other similar locations within the corporate limits of the CITY.

2. For the firefighting services provided for herein, Commercial Warehouse shall pay to CITY the sum of One and One Thousand Thirty-Two Dollars (\$1,1032) per One Hundred Dollars (\$100.00) of assessed valuation for tax purposes on the improvements situated upon the real estate so defined herein, which assessment is hereby agreed to be established at One Hundred Eighty Four Thousand, Fifty Dollars (\$184,050.00). Said sum of \$2,030.44 shall be payable upon execution of this contract.

3. CITY shall cause its fire department personnel to inspect said building, equipment and facilities periodically, at mutually convenient times, to familiarize such personnel with said building, equipment, and facilities and Commercial Warehouse's operations on its premises, so as to determine the types of fire which may reasonably be anticipated on said premises and so as to be able to render service commensurate with existing service conditions.



4. The obligations under this contract shall continue for a period of one year to June 1st, 1977.

5. Notwithstanding the foregoing provisions, this contract shall not become effective until it shall have been signed by the Mayor and the members of the Board of Commissioners, Department of Public Safety of CITY, and ratified and approved by the Common Council of CITY.

In WITNESS WHEREOF, this agreement has been duly authorized and executed as of the date first above written by the duly authorized officers and representatives of the parties.

COMMERCIAL WAREHOUSE AND CARTAGE, INC.

By: Robert P. Rhodes Pres.  
Title:

CITY OF FORT WAYNE, INDIANA

By: Robert E. Armstrong  
Robert E. Armstrong, Mayor

BOARD OF COMMISSIONERS,  
DEPARTMENT OF PUBLIC SAFETY

Albert N. Hepler  
Albert N. Hepler, Chairman

William L. Kerr  
William L. Kerr, Member

Solon Jennings  
Solon Jennings, Member

I hereby certify that the foregoing contract was ratified and approved by the Common Council of the City of Fort Wayne, Indiana on

June, 22, 1976.

Charles W. Westerman  
Charles W. Westerman, Clerk



Admn. Appr. \_\_\_\_\_

DIGEST SHEET

*S-76-06-04*

TITLE OF ORDINANCE Fire Contracts with Zollner and Commercial Warehouse and Cartage

DEPARTMENT REQUESTING ORDINANCE Public Safety

SYNOPSIS OF ORDINANCE Request Common Council Ratification of the attached

Fire Protection Contracts with Zollner Corporation and Commercial Warehouse

and Cartage, Inc. The contracts cover the period June 1, 1976 to June 1, 1977.

EFFECT OF PASSAGE Provide the City with income to the Firefighting Fund.

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

Zollner Corporation \$6415.00

Commercial Warehouse and Cartage, Inc. 2030.44

Total \$8445.44

ASSIGNED TO COMMITTEE (J.N.) Finance *J. J. J.*

DATE SUBMITTED: \_\_\_\_\_